

From: Munoz, Charles
Location: 4308 WJC-N
Importance: Normal
Subject: Ethics Training with Aaron Ringel, Deputy Associate Administrator for OCIR
Start Date/Time: Thur 4/20/2017 6:00:00 PM
End Date/Time: Thur 4/20/2017 7:00:00 PM

To: Fugh, Justina[Fugh.Justina@epa.gov]
Cc: Bennett, Tate[Bennett.Tate@epa.gov]
From: Ringel, Aaron
Sent: Thur 4/27/2017 11:36:20 PM
Subject: Re: Western Caucus Monthly Policy Breakfast next Friday 5/5/17

Great, thanks!

Sent from my iPhone

On Apr 27, 2017, at 5:50 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Tate and Aaron,

Yes, you both may attend this event and speak. You will be attending and speaking in your official EPA capacity, so you can also ask EPA to reimburse you for any local travel expenses. Since you're speaking, you can eat the meal too.

Thanks for asking!
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bennett, Tate
Sent: Thursday, April 27, 2017 5:12 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>
Subject: RE: Western Caucus Monthly Policy Breakfast next Friday 5/5/17

And the breakfast is less than 10 dollars! Just saw.

From: Bennett, Tate

Sent: Thursday, April 27, 2017 3:48 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>
Subject: Fwd: Western Caucus Monthly Policy Breakfast next Friday 5/5/17

Hi Justina! Would it be ok if Aaron and I were the special speakers at this widely attended Senate event next week? It is hosted by the Western Caucus Foundation, a 501c3.

Begin forwarded message:

From: "Small, Jeff" <Jeff.Small@mail.house.gov>
Date: April 27, 2017 at 3:24:42 PM EDT
To: "Small, Jeff" <Jeff.Small@mail.house.gov>
Cc: "Roberson, Kelly" <Kelly.Roberson@mail.house.gov>
Subject: Western Caucus Monthly Policy Breakfast next Friday 5/5/17

By now you should have received the below invite from the Western Caucus Foundation to next Friday's Monthly Policy Breakfast.

Usually 80+ House and Senate staffers attend. EPA staff and Leadership staff will be at this breakfast as well as a few outside speakers from industry.

Furthermore, the breakfast is good.

Here's the details:

Friday, May 5th, 2017

9:30 a.m. – 10:45 a.m.

Senate Visitors Center: Room 209-08

Hope you can attend.

Sincerely,

Jeff Small

*Executive Director | Congressional Western Caucus
Senior Advisor | Congressman Paul A. Gosar, D.D.S.*

2057 Rayburn HOB | Washington, DC 20515
(202) 225-2315 main
jeff.small@mail.house.gov

To: Fugh, Justina[Fugh.Justina@epa.gov]
Cc: Ringel, Aaron[ringel.aaron@epa.gov]
From: Bennett, Tate
Sent: Thur 4/27/2017 9:59:45 PM
Subject: RE: Western Caucus Monthly Policy Breakfast next Friday 5/5/17

Thank you!

From: Fugh, Justina
Sent: Thursday, April 27, 2017 5:50 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>
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2057 Rayburn HOB | Washington, DC 20515
(202) 225-2315 main
jeff.small@mail.house.gov

To: Ringel, Aaron[ringel.aaron@epa.gov]
From: Fugh, Justina
Sent: Thur 5/18/2017 12:50:36 AM
Subject: reminder about your new entrant report

Dear Aaron,

I am writing to remind you about your obligation to file a new entrant public financial disclosure report by 7/3/17. There is a 30 day grace period following the end of your deadline, but if EPA Ethics does not receive your final report by midnight of August 2, 2017, then you will be subject to a \$200 late filing fee. You will of course still have to file the report too!

If you need more time, then just send me an email. Although we already gave you an extension, we are able to give you one more extension of an additional 45 days, but you have to provide a reason for why you need more time (e.g., need to gather materials, travel, workload, etc.). If you have any questions regarding this requirement or need assistance, please contact Dan Fort at fort.daniel@epa.gov or 202 564 2200 or me at fugh.justina@epa.gov or 202 564 1786.

Thanks,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Ringel, Aaron[ringel.aaron@epa.gov]
Cc: Daniel Fort[Fort.Daniel@epa.gov]
From: Fugh, Justina
Sent: Thur 4/20/2017 12:49:14 AM
Subject: Your ethics obligations for your EPA position
Distinctions between Reporting Transactions on the OGE 278 - January 201....docx
Hatch Act chart February 2017.docx

Hi there,

My name is Justina Fugh, and I am the Senior Counsel for Ethics at the US Environmental Protection Agency. I understand that you recently joined EPA, effective 4/16/17, as the Deputy Associate Administrator for Congressional and Intergovernmental Relations, and that you are currently in an AD position. Congratulations! In this position, you are required by the Ethics in Government Act of 1978 to file the Office of Government Ethics Form 278, Public Financial Disclosure Report. This report is due 30 days after you start at EPA.

EPA uses an entirely electronic filing system (called INTEGRITY.gov or INTEGRITY), so you will file the form (called the OGE 278e) electronically. You are required by law to complete the form, so please don't disregard this requirement; in fact, failure to complete the form timely can result in a \$200 late filing fee, and may also result in criminal or civil penalties.

There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the position, you will have to file a termination report; and (4) you will be subject to a late filing fee of \$200 for not filing your report timely, and there are also civil and criminal penalties for failure to file at all or for inaccurate reporting.

THE FINANCIAL DISCLOSURE REPORT, OGE-278e

Tomorrow, Dan Fort (copied here, one of my OGC/Ethics colleagues) will create an account for you in INTEGRITY, which is the electronic filing system operated and secured by the Office of Government Ethics (OGE). You will be assigned a "new entrant" report with the EPA's business address already included. Do not enter your personal home address in that place. Your filer category is "other." For help in INTEGRITY, check out the information on the OGC/Ethics website at <http://intranet.epa.gov/ogc/Integrity/Landingpage.html>.

Once you receive the email from INTEGRITY.gov that will provide you with specific instructions, log into the federal government's max.gov site, the gateway to INTEGRITY. If you don't receive your account notification within three days, then please check your clutter box for

messages from INTEGRITY.gov, or contact Dan Fort so that we can follow up.

DEADLINE FOR SUBMITTING THE FORM

INTEGRITY will give you 30 days to complete the form. If you need additional time, you must contact me directly before your due date. There is a limit to how much additional time we can give you before late fees kick in, so please pay attention to this requirement.

HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income , and other assets and income. So you are reporting the assets for yourself, your spouse and your dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation and amount of accrued investment income. The definition of "investment income" is NOT tied to what's taxable! You must report accrued income, even if tax deferred or exempt, that you got in the asset over the reporting period (which is last calendar year + this calendar year, up to the date of filing). Look at 1099 forms for the accrued income from investments or review your statements.
- Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan
- But if you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- But if your spouse works outside of federal service, then include your spouse's

employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.

- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments, but do not report term life insurance.
- If you have nothing to report in a section, be sure to click the “nothing to report” button

OTHER ETHICS REQUIREMENTS FOR YOU

STOCK ACT

Because you are required to file the form, you are also now subject to the STOCK Act. You are required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. For a comprehensive review of reportable transactions, see EPA Ethics Advisory 2012-03 at http://intranet.epa.gov/ogc/ethics/Ethics_Advisory_2012-03.pdf and our revised chart, also attached.

HATCH ACT

You will be “lesser restricted” under the Hatch Act. Please familiarize yourself with the Hatch Act as it affects you, and from the EPA intranet (inside the firewall), can gain a good overview by reviewing our online training course at <http://intranet.epa.gov/ogcrmo01/ethics.htm> or by referring to our attached handy chart that reminds you of your restrictions.

-

CONTACTS

Dan Fort, Jeanne Duross or I will be happy to help you with your 278e form. We can be reached at ethics@epa.gov or individually at:

Jeanne Duross, Ethics Attorney, duross.jeanne@epa.gov or 202-564-6595

Daniel Fort, Ethics Officer, fort.daniel@epa.gov or 202-564-2200

Justina Fugh, Senior Counsel for Ethics, fugh.justina@epa.gov or 202-564-1786

Cheers,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
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From: Fugh, Justina
Location: 4308 WJC-N
Importance: Normal
Subject: Accepted: Ethics Training with Aaron Ringel, Deputy Associate Administrator for OCIR
Start Date/Time: Thur 4/20/2017 6:00:00 PM
End Date/Time: Thur 4/20/2017 7:00:00 PM

To: Fugh, Justina[Fugh.Justina@epa.gov]
From: Ringel, Aaron
Sent: Wed 5/24/2017 2:23:00 PM
Subject: Pledge

Hi Justina, got word yesterday that I was officially processed by PPO as a political appointee.
When should I sign the ethics pledge?

Thanks,
Aaron

Sent from my iPhone

To: Ringel, Aaron[ringel.aaron@epa.gov]
Cc: Ford, Hayley[ford.hayley@epa.gov]
From: Fugh, Justina
Sent: Wed 5/24/2017 5:18:51 PM
Subject: REMINDER: You need to sign the Trump ethics pledge
[P45 Executive Order.pdf](#)
[P45 Ethics Pledge blank.pdf](#)

Hi there,

On January 28, 2017, President Donald J. Trump issued an Executive Order on Ethics Commitments for all political appointees in his administration that contains additional restrictions during and after your federal service. Now that you have been converted to a Schedule C position, you are required to sign this pledge, which I have attached together with the executive order itself. Please print out the pledge and then sign and date it, then return to me, either in hard copy or by pdf. I would appreciate getting this signed pledge back by the end of this week.

The significant points of the Executive Order are as follows:

If you were a federally registered lobbyist in the previous 2 years --

- For the next 2 years, you will not participate in any particular matter on which you lobbied within the previous 2 years and you will not participate in the specific issue area in which that particular matter falls.

While you are a federal employee --

- You will not accept any gifts from a registered lobbyist, including attendance at a widely attended gathering. There are a few exceptions, so ask an ethics official for guidance *in advance*.
- For 2 years from the date of your appointment, you will not participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former client(s), including regulations and contracts; and
- Any hiring or other employment decisions you make will be based on the candidate's qualifications, competence and experience.

After you leave federal service --

- For 5 years, you will not engage in any lobbying activities with respect to the agency in which you were appointed to serve;
- For the remainder of the Administration, you will not engage in lobbying activities with respect to any covered executive branch official or non-career SES employee; and
- For the rest of your life, you will not engage in any activity on behalf of a foreign government or foreign political party as their “agent” requiring registration under the Foreign Agents Registration Act of 1938 and defined at 22 U.S.C. § 611(c) (as those terms were defined as of 1/20/17).

It's important to know that the post employment lobbying restrictions are broad and extend beyond being a registered lobbyist. For the purposes of the pledge, *lobbying activities* means any oral or written communication to a covered executive branch official or non-career Senior Executive Service appointee, as well as any efforts that are intended, at the time of performance, to support a covered lobbying contact to such person.

Finally, you agree that the terms of the ethics pledge are binding upon you.

Thanks in advance for your attention to this important matter.

Justina

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ETHICS PLEDGE

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.

Signature 

Date  20 17

Print or type your full name (last, first, middle)
Ringel, Aaron, Ellis

To: Ringel, Aaron[ringel.aaron@epa.gov]
Cc: Fort, Daniel[Fort.Daniel@epa.gov]
From: Fugh, Justina
Sent: Thur 4/20/2017 12:49:13 AM
Subject: Your ethics obligations for your EPA position
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Hatch Act chart February 2017.docx

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- But if your spouse works outside of federal service, then include your spouse's

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-

CONTACTS

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Jeanne Duross, Ethics Attorney, duross.jeanne@epa.gov or 202-564-6595

Daniel Fort, Ethics Officer, fort.daniel@epa.gov or 202-564-2200

Justina Fugh, Senior Counsel for Ethics, fugh.justina@epa.gov or 202-564-1786

Cheers,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Fugh, Justina](#)
To: [Bennett, Tate](#); [Bolen, Derrick](#); [Burke, Marcella](#); [Cory, Preston \(Katherine\)](#); [Darwin, Henry](#); [Falvo, Nicholas](#); [Ford, Hayley](#); [Greenwalt, Sarah](#); [Hupp, Millan](#); [Konkus, John](#); [Lovell, Will \(William\)](#); [McMurray, Forrest](#); [Munoz, Charles](#); [Palich, Christian](#); [Ringel, Aaron](#); [Rodrick, Christian](#); [Sands, Jeffrey](#); [Schwab, Justin](#); [Shimmin, Kaitlyn](#); [Stepp, Cathy](#); [Baptist, Erik](#); [Benevento, Douglas](#); [Bolen, Brittany](#); [Bowman, Liz](#); [Chmielewski, Kevin](#); [Darwin, Henry](#); [Dravis, Samantha](#); [Forsgren, Lee](#); [Fotouhi, David](#); [Glenn, Trey](#); [Greaves, Holly](#); [Gulliford, Jim](#); [Harlow, David](#); [Jackson, Ryan](#); [Kelly, Albert](#); [Lopez, Peter](#); [Lyons, Troy](#); [Servidio, Cosmo](#); [Traylor, Patrick](#); [Wagner, Kenneth](#); [Yamada, Richard \(Yujiro\)](#); [Wehrum, Bill](#); [Bodine, Susan](#); [Dourson, Michael](#)
Cc: [ethics](#); [Minoli, Kevin](#)
Subject: Dear OGC/Ethics -- May I Attend This Holiday Party?
Date: Friday, December 01, 2017 4:01:00 PM

Reminder for Political Appointees

Don't Assume You Can Accept Invitations To Seasonal Celebrations and Other Receptions

—*Always Ask!*

Dear EPA political appointees –

I'm writing to remind you about your obligations under the Trump Ethics Pledge that you signed. We know it's that festive time of year when you may be invited to go to holiday receptions and parties, so the EPA ethics elves are sending you this reminder to be careful.

What's a gift?

In your initial ethics briefing, you learned about the gift rules in the Standards of Conduct and the additional restrictions imposed upon you by the Trump Ethics Pledge that you signed when you joined EPA. As a federal employee, you cannot accept a gift that is offered to you because of your official position or from a prohibited source. "Gift" is defined to include gratuities, favors, discounts, entertainment, hospitality and other items having monetary value. The definition is very broad, and it encompasses free attendance at the kinds of dinners, receptions and other networking events that are common in D.C., particularly during the holiday season.

What's the rule?

You are prohibited from accepting any gift (including invitations to holiday parties) from a federally registered lobbyist. Even if the invitation says that it's a "widely attended gathering" or that it meets the Congressional ethics rules, don't assume you can go. You're an EPA

political appointee, so you must get written approval from OGC/Ethics before you go to the event. When you send the invitation to OGC/Ethics, the first thing we will do is determine whether the sponsor of the event is a federally registered lobbyist.

- **Event is sponsored by a federally registered lobbyist**

In this case, the Lobbyist Gift Ban applies. When you signed the pledge, you promised not to accept gifts from federally registered lobbyists. The common exception for a “widely attended gathering” (WAG) does not apply to invitations from and events sponsored by federally registered lobbyists. YOU CAN NEVER ACCEPT THE GIFT OF FREE ATTENDANCE TO A WAG FROM A FEDERALLY REGISTERED LOBBYIST.

If the event is sponsored by a federally registered lobbyist, but you really want to attend...

then you will need to work closely with OGC/Ethics to pay personally out of your pocket. It’s not enough to say that you’ll pay for your drinks and won’t eat. The rule is that you can’t even go to the event unless you pay personally for the cost per person. So, upon request, OGC/Ethics will contact the sponsor to determine the cost per person that will have to pay, and to whom. We want to help you document your payment so that you can show you have not violated the Trump Ethics Pledge.

- **Event is not sponsored by a federally registered lobbyist**

In this case, OGC/Ethics will determine if the “Widely Attended Gathering” (WAG) exception applies to permit your attendance. The WAG exception allows ethics officials to approve an employee’s acceptance of free attendance upon a written determination that your attendance furthers an agency interest. In order for OGC/Ethics to clear your attendance, there must be a large number of people attending the event as well as a diversity of views or interests among those attending. If the offer to attend is from the sponsor of the event, there is no limit on the value of the event. If the offer of free attendance comes from someone other than the sponsor, then the value of the gift (your attendance and your spouse’s, if applicable) cannot exceed \$390. Should your ethics official determines that you may accept the gift and attend, you will do so in your personal capacity and not on government time. And you may have to disclose the

gift on your OGE-278, depending on its value. OGC/Ethics will let you know whether you have to report the gift when we notify you that it has been approved.

What should you do in each and every case?

Contact OGC/Ethics BEFORE attending. Send an email to ethics@epa.gov and provide us with a copy of the invitation and as much information as you can regarding the event.

Thanks for your attention to ethics issues!

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Ross, Margaret](#)
To: [Ringel, Aaron](#)
Cc: [Fugh, Justina](#)
Subject: Notification of Release: Your public financial disclosure report (OGE 278e) has been requested
Date: Friday, December 22, 2017 3:56:57 PM

Hi Aaron,

You may recall that Justina Fugh mentioned to you that, as a public filer, your financial disclosure report can be made available to the public upon request. Well, I'm writing to confirm that your report has been requested and will be released on Tuesday, December 26 (our next business day). It is our practice to give 24 hours' notice, but in this case, because of weekend and holiday, you get a little extra.

Here are the people who will receive your report:

- Alex Guillen, Politico
- Derek Kravitz, ProPublica
- Emily Enderle (for Sheldon Whitehouse)
- Joseph Gaeta (for Sheldon Whitehouse)
- Katie Zumalt-Rogers, CREW
- Kevin Bogardus, EE News
- Nick Surgey, Center for Media and Democracy
- Rachel Leven, Center for Public Integrity

Because the release will go to a member of the news media, we'll alert OPA (but OPA won't actually see your form). We'll also send a heads up to OCIR because of the request from Senator Whitehouse's office.

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221



ETHICS PLEDGE

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.

Signature

_____, 20____
Date

Print or type your full name (last, first, middle)

The White House
Office of the Press Secretary
For Immediate Release
January 28, 2017

Executive Order: ETHICS COMMITMENTS BY EXECUTIVE BRANCH APPOINTEES

EXECUTIVE ORDER

- - - - -

ETHICS COMMITMENTS BY EXECUTIVE BRANCH APPOINTEES

By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2017, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

"As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

"1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.

"2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.

"3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.

"4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political

party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.

"5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

"6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

"7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.

"8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.

"9. I acknowledge that the Executive Order entitled 'Ethics Commitments by Executive Branch Appointees,' issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service."

Sec. 2. Definitions. As used herein and in the pledge set forth in section 1 of this order:

(a) "Administration" means all terms of office of the incumbent President serving at the time of the appointment of an appointee covered by this order.

(b) "Appointee" means every full-time, non-career Presidential or Vice-Presidential appointee, non-career appointee in the Senior Executive Service (or other SES-type system), and appointee to a position that has been excepted from the competitive service by reason of being of a confidential or policymaking character (Schedule C and other positions excepted under comparable criteria) in an executive agency. It does not include any person appointed as a member of the Senior Foreign Service or solely as a uniformed service commissioned officer.

(c) "Covered executive branch official" shall have the definition set forth in the Lobbying Disclosure Act.

(d) "Directly and substantially related to my former employer or former clients" shall mean matters in which the appointee's former employer or a former client is a party or represents a party.

(e) "Executive agency" and "agency" mean "executive agency" as defined in section 105 of title 5, United States Code, except that the terms shall include the Executive Office of the President, the United States Postal Service, and the Postal Regulatory Commission, and excludes the Government Accountability Office. As used in paragraph 1 of the pledge, "executive agency" means the entire agency in which the appointee is appointed to serve, except that:

(1) with respect to those appointees to whom such designations are applicable under section 207(h) of title 18, United States Code, the term means an agency or bureau designated by the Director of the Office of Government Ethics under section 207(h) as a separate department or agency at the time the appointee ceased to serve in that department or agency; and

(2) an appointee who is detailed from one executive agency to another for more than 60 days in any calendar year shall be deemed to be an officer or employee of both agencies during the period such person is detailed.

(f) "Foreign Agents Registration Act of 1938, as amended" means sections 611 through 621 of title 22, United States Code.

(g) "Foreign government" means the "government of a foreign country," as defined in section 1(e) of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611(e).

(h) "Foreign political party" has the same meaning as that term has in section 1(f) of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611(f).

(i) "Former client" is any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service provided was limited to a speech or similar appearance. It does not include clients of the appointee's former employer to whom the appointee did not personally provide services.

(j) "Former employer" is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that "former employer" does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, or any United States territory or possession.

(k) "Gift"

(1) shall have the definition set forth in section 2635.203(b) of title 5, Code of Federal Regulations;

(2) shall include gifts that are solicited or accepted indirectly as defined at section 2635.203(f) of title 5, Code of Federal Regulations; and

(3) shall exclude those items excluded by sections 2635.204(b), (c), (e)(1) & (3), (j), (k), and (l) of title 5, Code of Federal Regulations.

(l) "Government official" means any employee of the executive branch.

(m) "Lobbied" shall mean to have acted as a registered lobbyist.

(n) "Lobbying activities" has the same meaning as that term has in the Lobbying Disclosure Act, except that the term does not include communicating or appearing with regard to: a judicial proceeding; a criminal or civil law enforcement inquiry, investigation, or proceeding; or any agency process for rulemaking, adjudication, or licensing, as defined in and governed by the Administrative Procedure Act, as amended, 5 U.S.C. 551 *et seq.*

(o) "Lobbying Disclosure Act" means sections 1601 *et seq.* of title 2, United States Code.

(p) "Lobbyist" shall have the definition set forth in the Lobbying Disclosure Act.

(q) "On behalf of another" means on behalf of a person or entity other than the individual signing the pledge or his or her spouse, child, or parent.

(r) "Particular matter" shall have the same meaning as set forth in section 207 of title 28, United States Code, and section 2635.402(b)(3) of title 5, Code of Federal Regulations.

(s) "Particular matter involving specific parties" shall have the same meaning as set forth in section 2641.201(h) of title 5, Code of Federal Regulations, except that it shall also include any meeting or other communication relating to the performance of one's official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.

(t) "Participate" means to participate personally and substantially.

(u) "Pledge" means the ethics pledge set forth in section 1 of this order.

(v) "Post-employment restrictions" shall include the provisions and exceptions in section 207(c) of title 18, United States Code, and the implementing regulations.

(w) "Registered lobbyist or lobbying organization" shall mean a lobbyist or an organization filing a registration pursuant to section 1603(a) of title 2, United States Code, and in the case of an organization filing such a registration, "registered lobbyist" shall include each of the lobbyists identified therein.

(x) Terms that are used herein and in the pledge, and also used in section 207 of title 18, United States Code, shall be given the same meaning as they have in section 207 and any implementing regulations issued or to be issued by the Office of Government Ethics, except to the extent those terms are otherwise defined in this order.

(y) All references to provisions of law and regulations shall refer to such provisions as in effect on January 20, 2017.

Sec. 3. Waiver. (a) The President or his designee may grant to any person a waiver of any restrictions contained in the pledge signed by such person.

(b) A waiver shall take effect when the certification is signed by the President or his designee.

(c) A copy of the waiver certification shall be furnished to the person covered by the waiver and provided to the head of the agency in which that person is or was appointed to serve.

Sec. 4. Administration. (a) The head of every executive agency shall establish for that agency such rules or procedures (conforming as nearly as practicable to the agency's general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate:

(1) to ensure that every appointee in the agency signs the pledge upon assuming the appointed office or otherwise becoming an appointee; and

(2) to ensure compliance with this order within the agency.

(b) With respect to the Executive Office of the President, the duties set forth in section 4(a) shall be the responsibility of the Counsel to the President or such other official or officials to whom the President delegates those duties.

(c) The Director of the Office of Government Ethics shall:

(1) ensure that the pledge and a copy of this Executive Order are made available for use by agencies in fulfilling their duties under section 4(a);

(2) in consultation with the Attorney General or Counsel to the President, when appropriate, assist designated agency ethics officers in providing advice to current or former appointees regarding the application of the pledge; and

(3) adopt such rules or procedures (conforming as nearly as practicable to its generally applicable rules and procedures) as are necessary or appropriate:

(i) to carry out the foregoing responsibilities;

(ii) to apply the lobbyist gift ban set forth in paragraph 5 of the pledge to all executive branch employees;

(iii) to authorize limited exceptions to the lobbyist gift ban for circumstances that do not implicate the purposes of the ban;

(iv) to make clear that no person shall have violated the lobbyist gift ban if the person properly disposes of a gift as provided by section 2635.206 of title 5, Code of Federal Regulations;

(v) to ensure that existing rules and procedures for Government employees engaged in negotiations for future employment with private businesses that are affected by their official actions do not affect the integrity of the Government's programs and operations; and

(vi) to ensure, in consultation with the Director of the Office of Personnel Management, that the requirement set forth in paragraph 8 of the pledge is honored by every employee of the executive branch;

(d) An appointee who has signed the pledge is not required to sign the pledge again upon appointment or detail to a different office, except that a person who has ceased to be an appointee, due to termination of employment in the executive branch or otherwise, shall sign the pledge prior to thereafter assuming office as an appointee.

(e) All pledges signed by appointees, and all waiver certifications with respect thereto, shall be filed with the head of the appointee's agency for permanent retention in the appointee's official personnel folder or equivalent folder.

Sec. 5. Enforcement. (a) The contractual, fiduciary, and ethical commitments in the pledge provided for herein are solely enforceable by the United States by any legally available means, including any or all of the following: debarment proceedings within any affected executive agency or civil judicial proceedings for declaratory, injunctive, or monetary relief.

(b) Any former appointee who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge may be barred from engaging in lobbying activities with respect to that agency for up to 5 years in addition to the 5-year time period covered by the pledge. The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement this subsection, which shall include (but not be limited to) providing for factfinding and investigation of possible violations of this order and for referrals to the Attorney General for his or her consideration pursuant to subsection (c).

(c) The Attorney General or his or her designee is authorized:

(1) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate Federal investigative authority to conduct such investigations as may be appropriate; and

(2) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action on behalf of the United States against the former officer or employee in any United States District Court with jurisdiction to consider the matter.

(d) In such civil action, the Attorney General or his or her designee is authorized to request any and all relief authorized by law, including but not limited to:

(1) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former officer or employee in breach of the commitments in the pledge he or she signed; and

(2) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former officer or employee arising out of any breach or attempted breach of the pledge signed by the former officer or employee.

Sec. 6. General Provisions. (a) This order supersedes Executive Order 13490 of January 21, 2009 (Ethics Commitments by Executive Branch Personnel), and therefore Executive Order 13490 is hereby revoked. No other prior Executive Orders are repealed by this order. To the extent that this order is inconsistent with any provision of any prior Executive Order, this order shall control.

(b) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

(c) The pledge and this order are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party (other than by the United States) against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The definitions set forth in this order are solely applicable to the terms of this order, and are not otherwise intended to impair or affect existing law.

(e) Nothing in this order shall be construed to impair or otherwise affect:

(1) the authority granted by law to an executive department, agency, or the head thereof; or

(2) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(f) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

DONALD J. TRUMP

When to Report Transactions

This table's guidance is effective beginning January 1, 2013 and for informational purposes only. Email ethics@epa.gov for specific questions.

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on the OGE 278?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Your investment assets (or jointly held)		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
Your spouse's investment assets		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes ¹
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds" ²	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust ³	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

¹ You do not report the purchase or sale of your personal residence on Schedule B unless you rent it out at any time during the reporting period.

² To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

There are several types of investment vehicles that are not excepted investment funds, including (but not limited to) managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs). You should note that the individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. If you have questions about whether a particular asset or investment vehicle is an EIF, contact ethics@epa.gov.

³ OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email ethics@epa.gov.

Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

Political activity means an activity “directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group.”

Type of Activity	PAS*	Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other	Career SES, ALJs
Personal (off premises and off duty)			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day	Yes	Yes	Yes
Drive people to polling station on behalf of a campaign	Yes	Yes	No
Affecting Official Resources			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
Fundraising			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

*PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate; AD = Administratively Determined; SES = Senior Executive Service

From: Munoz, Charles
Location: 4308 WJC-N
Importance: Normal
Subject: Ethics Training with Brittany Bolen, DAA Policy, Elizabeth Bowman, Deputy AA for Public Affairs, David Fotouhi, Deputy General Counsel, John(JP) Freire, Public Affairs
Start Date/Time: Fri 3/31/2017 2:30:00 PM
End Date/Time: Fri 3/31/2017 4:00:00 PM

To: Bolen, Brittany[bolen.brittany@epa.gov]
Sent: Thur 5/11/2017 10:03:17 PM
Subject: your financial disclosure report

i there,

Just a quick note to say that I'll be able to certify your financial disclosure report today (hooray and thanks!).

Ex. 6 - Personal Privacy

and appreciate your answers to my other pesky questions.

I'm also letting you know that, later this week (probably Thursday or Friday), I'll be releasing your certified report to the people who have requested seeing it. You may recall that I explained that this report is public, so anyone can ask me to release it once I receive it. OGC/Ethics typically waits to fill those requests until after we have certified the report, though. Here are the people who will be getting your report:

Nick Surgey, Center for Media and Democracy
Joe Gaeta, Senator Sheldon Whitehouse
Alison Gregor, ProPublica
Kevin Bogardus, E&E News

Best,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A |
Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground
deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Fugh, Justina[Fugh.Justina@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]
From: Ford, Hayley
Sent: Tue 5/16/2017 9:40:52 PM
Subject: RE: REMINDER: You need to sign the Trump ethics pledge
[HFord Signed Ethics Pledge.pdf](#)
[Bolen Signed Ethics Pledge.pdf](#)

Justina,

Attached are signed ethics pledges from me and Brittany Bolen.

Thanks!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Fugh, Justina
Sent: Monday, May 15, 2017 3:22 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: REMINDER: You need to sign the Trump ethics pledge

Hi there,

On January 28, 2017, President Donald J. Trump issued an Executive Order on Ethics Commitments for all political appointees in his administration that contains additional restrictions during and after your federal service. Now that you have been converted to a Schedule C position, you are required to sign this pledge, which I have attached together with the executive order itself. Please print out the pledge and then sign and date it, then return to me, either in hard copy or by pdf.

DEADLINE: By Friday, May 19. I'll be on travel that day, so if you want to deliver your signed form in hard copy, then please give it to Hayley Ford, who has very kindly volunteered to help track me track these pledges.

The significant points of the Executive Order are as follows:

If you were a federally registered lobbyist in the previous 2 years --

- For the next 2 years, you will not participate in any particular matter on which you lobbied within the previous 2 years and you will not participate in the specific issue area in which that particular matter falls.

While you are a federal employee --

- You will not accept any gifts from a registered lobbyist, including attendance at a widely attended gathering. There are a few exceptions, so ask an ethics official for guidance.
- For 2 years from the date of your appointment, you will not participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former client(s), including regulations and contracts; and
- Any hiring or other employment decisions you make will be based on the candidate's qualifications, competence and experience.

After you leave federal service --

- For 5 years, you will not engage in any lobbying activities with respect to the agency in which you were appointed to serve;
- For the remainder of the Administration, you will not engage in lobbying activities with

- respect to any covered executive branch official or non-career SES employee; and
- For the rest of your life, you will not engage in any activity on behalf of a foreign government or foreign political party as their “agent” requiring registration under the Foreign Agents Registration Act of 1938 and defined at 22 U.S.C. § 611(c) (as those terms were defined as of 1/20/17).

It's important to know that the post employment lobbying restrictions are broad and extend beyond being a registered lobbyist. For the purposes of the pledge, *lobbying activities* means any oral or written communication to a covered executive branch official or non-career Senior Executive Service appointee, as well as any efforts that are intended, at the time of performance, to support a covered lobbying contact to such person.

Finally, you agree that the terms of the ethics pledge are binding upon you.

Thanks in advance for your attention to this important matter.

Justina

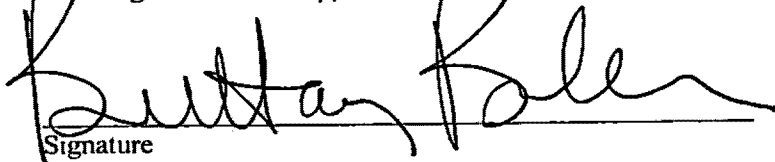
Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



ETHICS PLEDGE

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.


Signature

5/16/2017
Date

Bolen, Brittany, Ann
Print or type your full name (last, first middle)

To: Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Fugh, Justina[Fugh.Justina@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]
From: Gunasekara, Mandy
Sent: Fri 4/14/2017 8:14:42 PM
Subject: Re: possible recusal issue for you?

Also I would add that the brief represented congress's view of the CPP based on publicly available information. We were not privy to any confidential material regarding the litigation.

Sent from my iPhone

On Apr 14, 2017, at 3:41 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Mandy and I would like your clarification in regards to WV v. EPA. We were not privy to any confidential information. The amicus brief was written and filed by an outside law firm on behalf of members of congress, not the Environment and Public Works Committee.

From: Fugh, Justina
Sent: Friday, April 14, 2017 3:32 PM
To: Brown, Byron <brown.byron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: possible recusal issue for you?

Thanks for the confirmation!

From: Brown, Byron
Sent: Friday, April 14, 2017 3:30 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: possible recusal issue for you?

I did not work on these amicus briefs and was not privy to confidential information about these cases or briefs.

From: Fugh, Justina
Sent: Friday, April 14, 2017 3:11 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: possible recusal issue for you?

Hi there,

I have learned that DOJ is advising that some of their appointees recuse from certain cases in which members of Congress filed amicus briefs during the last several years. Their appointees have recused from any participation in these cases:

- ☐ Kent Recycling Services v. US Army Corps of Engineers, U.S. Supreme Court, No. 14-493
- ☐ American Farm Bureau Fed. v. USEPA, Third Circuit Court of Appeals, No. 13-4079 (docket attached)
- ☐ West Virginia v. EPA (see Brief of 200+ members of Congress)

What I don't know is whether you all, who also worked for the Senate in the last several years, should similarly be recused. Did you work on or were privy to confidential client information with respect to any of these cases?

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Fugh, Justina[Fugh.Justina@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Bolen, Brittany
Sent: Fri 4/14/2017 7:41:04 PM
Subject: RE: possible recusal issue for you?

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From: Fugh, Justina
Sent: Friday, April 14, 2017 3:32 PM
To: Brown, Byron <brown.byron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
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Sent: Friday, April 14, 2017 3:30 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: possible recusal issue for you?

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Sent: Friday, April 14, 2017 3:11 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
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To: Ford, Hayley[ford.hayley@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]
From: Fugh, Justina
Sent: Tue 5/16/2017 10:07:14 PM
Subject: RE: REMINDER: You need to sign the Trump ethics pledge

Got 'em and thanks!

From: Ford, Hayley
Sent: Tuesday, May 16, 2017 5:41 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: REMINDER: You need to sign the Trump ethics pledge

Justina,

Attached are signed ethics pledges from me and Brittany Bolen.

Thanks!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Fugh, Justina

Sent: Monday, May 15, 2017 3:22 PM

To: Bennett, Tate <Bennett.Tate@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Subject: REMINDER: You need to sign the Trump ethics pledge

Hi there,

On January 28, 2017, President Donald J. Trump issued an Executive Order on Ethics Commitments for all political appointees in his administration that contains additional restrictions during and after your federal service. Now that you have been converted to a Schedule C position, you are required to sign this pledge, which I have attached together with the executive order itself. Please print out the pledge and then sign and date it, then return to me, either in hard copy or by pdf.

DEADLINE: By Friday, May 19. I'll be on travel that day, so if you want to deliver your signed form in hard copy, then please give it to Hayley Ford, who has very kindly volunteered to help track me track these pledges.

The significant points of the Executive Order are as follows:

If you were a federally registered lobbyist in the previous 2 years --

- For the next 2 years, you will not participate in any particular matter on which you lobbied within the previous 2 years and you will not participate in the specific issue area in which that particular matter falls.

While you are a federal employee --

- You will not accept any gifts from a registered lobbyist, including attendance at a widely attended gathering. There are a few exceptions, so ask an ethics official for guidance.
- For 2 years from the date of your appointment, you will not participate in any particular matter involving specific parties that is directly and substantially related to your former

- employer or former client(s), including regulations and contracts; and
- Any hiring or other employment decisions you make will be based on the candidate's qualifications, competence and experience.

After you leave federal service –

- For 5 years, you will not engage in any lobbying activities with respect to the agency in which you were appointed to serve;
- For the remainder of the Administration, you will not engage in lobbying activities with respect to any covered executive branch official or non-career SES employee; and
- For the rest of your life, you will not engage in any activity on behalf of a foreign government or foreign political party as their “agent” requiring registration under the Foreign Agents Registration Act of 1938 and defined at 22 U.S.C. § 611(c) (as those terms were defined as of 1/20/17).

It's important to know that the post employment lobbying restrictions are broad and extend beyond being a registered lobbyist. For the purposes of the pledge, *lobbying activities* means any oral or written communication to a covered executive branch official or non-career Senior Executive Service appointee, as well as any efforts that are intended, at the time of performance, to support a covered lobbying contact to such person.

Finally, you agree that the terms of the ethics pledge are binding upon you.

Thanks in advance for your attention to this important matter.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Bolen, Brittany[bolen.brittany@epa.gov]
From: Fugh, Justina
Sent: Mon 5/15/2017 9:16:10 PM
Subject: your financial disclosure report

Hi there,

You may recall that I had mentioned to you that, as a public filer, your financial disclosure report can be made available to the public upon request. Well, I'm writing to confirm that your report has been requested by the individual identified below and will be released tomorrow:

Emily Enderle, Senator Sheldon Whitehouse

Best,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Bennett, Tate[Bennett.Tate@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Fugh, Justina
Sent: Mon 5/15/2017 7:21:38 PM
Subject: REMINDER: You need to sign the Trump ethics pledge
[P45 Executive Order.pdf](#)
[P45 Ethics Pledge blank.pdf](#)

Hi there,

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Finally, you agree that the terms of the ethics pledge are binding upon you.

Thanks in advance for your attention to this important matter.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Bolen, Brittany[bolen.brittany@epa.gov]
From: Fugh, Justina
Sent: Thur 5/11/2017 10:10:46 PM
Subject: your financial disclosure report

Hi there,

You may recall that I had mentioned to you that, as a public filer, your financial disclosure report can be made available to the public upon request. Well, I'm writing to confirm that your report has been requested and released. OGC/Ethics typically waits to fill those requests until after we have received and certified the report, and I finally got around to releasing a batch of reports on Friday of last week. Here is who requested your report:

Nick Surgey, Center for Media and Democracy
Kevin Bogardus, E&E News (he'll get your report today)

Best,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A |
Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground
deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Bolen, Brittany[bolen.brittany@epa.gov]
From: Fugh, Justina
Sent: Thur 4/27/2017 9:43:08 PM
Subject: RE: integrity

Hi Brittany,

Emailing me a response is okay, or you can go to the specific part where I've raised a question and then click on the little "plus" box to see my comment. You can then reply back to me in a comment (that is not releasable to the public).

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy I just need to know that.

You don't need to make any more adjustments to the form, but please re-submit it to me. To do so, open the document one more time and go to "submit report" on the left hand menu bar. Then, once that page loads, scroll all the way down to the attestation box and then hit the submit button. That will send the report back to me so that I can make your final changes for you.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bolen, Brittany
Sent: Thursday, April 27, 2017 4:59 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: integrity

Justina – thank you for your comments on my integrity filing. It was not clear to me how I could respond to your comments via that portal. There was one box for comments, but it said that information would be available to the public. That said, I thought it was best to just email you.

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Thank you for your help,

Brittany

Brittany Bolen

Deputy Associate Administrator, Office of Policy

U.S. Environmental Protection Agency

(202) 564-3291

Bolen.Brittany@epa.gov

To: Bolen, Brittany[bolen.brittany@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Fugh, Justina
Sent: Wed 4/19/2017 12:03:29 AM
Subject: RE: possible recusal issue for you?

Hi,

Ex. 6 - Personal Privacy

Did you/Mandy assist Jeff in writing the brief? Sounds like you did not, so that would be distinguishable and not a concern for you.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bolen, Brittany
Sent: Tuesday, April 18, 2017 7:42 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Gunasekara, Mandy
<Gunasekara.Mandy@epa.gov>
Subject: RE: possible recusal issue for you?

Justina – **Ex. 6 - Personal Privacy**

Ex. 6 - Personal Privacy No rush on responding, just let me know when you have time to discuss this further.
In the interim, I would say that we are easily distinguishable from Jeff Wood as Jeff was the author and the attorney filing the brief. Also, in regards to the brief being submitted on behalf of members of Congress, I raised that issue because Mandy and I were employed by the Senate Committee on Environment and Public Works – not any of the individual senators who signed the brief.

Brittany

From: Fugh, Justina
Sent: Tuesday, April 18, 2017 6:58 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: possible recusal issue for you?

Hi Brittany and Mandy,

Ex. 6 - Personal Privacy

With respect to these cases, I know (for example) that the Justice Department advised Jeff Wood to recuse from the Clean Power Plan litigation because he filed briefs on behalf of Congressional members. Even though the members were not themselves 'parties' to the litigation, I expect that the DOJ attorneys are concerned about their bar obligations and want to avoid situations in which client secrets are revealed inappropriately.

I was trying to ascertain whether any of the EPA appointees participated in drafting, reviewing or commenting on any of the amicus briefs filed in cases in which EPA is a party. If so, then you may need to examine your bar rules.

Justina

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From: Bolen, Brittany
Sent: Monday, April 17, 2017 6:04 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: possible recusal issue for you?

Hi Justina – I hope you had a good weekend. I just wanted to follow-up on this email correspondence. Do you have further guidance on how “work” is defined in the case we describe below? Thanks.

Brittany

From: Gunasekara, Mandy
Sent: Friday, April 14, 2017 4:15 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
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<bolen.brittany@epa.gov>

Subject: RE: possible recusal issue for you?

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From: Brown, Byron

Sent: Friday, April 14, 2017 3:30 PM

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Sent: Friday, April 14, 2017 3:11 PM

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- American Farm Bureau Fed. v. USEPA, Third Circuit Court of Appeals, No.

13-4079 (docket attached)

- [REDACTED] West Virginia v. EPA (see [Brief of 200+ members of Congress](#))

What I don't know is whether you all, who also worked for the Senate in the last several years, should similarly be recused. Did you work on or were privy to confidential client information with respect to any of these cases?

Justina

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To: Bolen, Brittany[bolen.brittany@epa.gov]
From: Fugh, Justina
Sent: Tue 4/18/2017 11:57:58 PM
Subject: RE: speaking event

Hi Brittany,

Yes, you may speak in your official capacity. But since the Portland Cement Association is a federally registered lobbyist, and the event is in May, let's talk also about the Trump ethics pledge. You are still, so far as I know, in an AD position, so you do not have to sign the pledge. But if you are converted to a political appointment (as non-career SES or Schedule C), then you will have to sign the pledge and will be subject to the ban against accepting any gifts from a lobbyist (including meals or even a PCA tshirt or hat).

Justina

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From: Bolen, Brittany
Sent: Tuesday, April 18, 2017 7:24 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: speaking event

Hi Justina –

I know we briefly discussed this during our ethics training, but can you please refresh my memory on our policy for speaking engagements? The Portland Cement Association sent me the request below.

First, we'd be honored to have you speak on a regulatory reform panel discussion that we're hosting for our members. The panel would speak on Wednesday May 10th at 8:30 before an audience of approximately 60 representatives of PCA's member companies, including CEOs and key decision makers. They will be in town for PCA's annual Fly-in. I don't think it would require much preparation. We'd like you to give a brief introduction of EPA's regulatory/regulatory reform priorities and to be able to answer soft questions from my colleague Mike Schon who will moderate. We'd be honored to have you.

Can you please let me know how best to respond?

Thanks,

Brittany

Brittany Bolen

Deputy Associate Administrator, Office of Policy

U.S. Environmental Protection Agency

(202) 564-3291

Bolen.Brittany@epa.gov

To: Bolen, Brittany[bolen.brittany@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Fugh, Justina
Sent: Tue 4/18/2017 10:57:57 PM
Subject: RE: possible recusal issue for you?

Hi Brittany and Mandy,

Ex. 6 - Personal Privacy

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Justina

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North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bolen, Brittany
Sent: Monday, April 17, 2017 6:04 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: FW: possible recusal issue for you?

Hi Justina – I hope you had a good weekend. I just wanted to follow-up on this email correspondence. Do you have further guidance on how “work” is defined in the case we describe below? Thanks.

Brittany

From: Gunasekara, Mandy
Sent: Friday, April 14, 2017 4:15 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: possible recusal issue for you?

Also I would add that the brief represented congress's view of the CPP based on publicly available information. We were not privy to any confidential material regarding the litigation.

Sent from my iPhone

On Apr 14, 2017, at 3:41 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Mandy and I would like your clarification in regards to WV v. EPA. We were not privy to any confidential information. The amicus brief was written and filed by an outside law firm on behalf of members of congress, not the Environment and Public Works Committee.

From: Fugh, Justina
Sent: Friday, April 14, 2017 3:32 PM
To: Brown, Byron <brown.byron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: possible recusal issue for you?

Thanks for the confirmation!

From: Brown, Byron
Sent: Friday, April 14, 2017 3:30 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: possible recusal issue for you?

I did not work on these amicus briefs and was not privy to confidential information about these cases or briefs.

From: Fugh, Justina
Sent: Friday, April 14, 2017 3:11 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: possible recusal issue for you?

Hi there,

I have learned that DOJ is advising that some of their appointees recuse from certain cases in which members of Congress filed amicus briefs during the last several years. Their appointees have recused from any participation in these cases:

- Kent Recycling Services v. US Army Corps of Engineers, U.S. Supreme Court, No. 14-493
- American Farm Bureau Fed. v. USEPA, Third Circuit Court of Appeals, No. 13-4079 (docket attached)
- West Virginia v. EPA (see Brief of 200+ members of Congress)

What I don't know is whether you all, who also worked for the Senate in the last several years, should similarly be recused. Did you work on or were privy to confidential client information with respect to any of these cases?

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina
Location: 4308 WJC-N
Importance: Normal
Subject: Accepted: Ethics Training with Brittany Bolen, DAA Policy, Elizabeth Bowman, Deputy AA for Public Affairs, David Fotouhi, Deputy General Counsel, John(JP) Freire, Public Affairs
Start Date/Time: Fri 3/31/2017 2:30:00 PM
End Date/Time: Fri 3/31/2017 4:00:00 PM

Cc: Bolen, Brittany[bolen.brittany@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Freire, JP[Freire.JP@epa.gov]
To: Munoz, Charles[munoz.charles@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]
From: Fugh, Justina
Sent: Wed 3/29/2017 5:24:09 PM
Subject: Re: Ethics Training with Brittany Bolen, DAA Policy, Elizabeth Bowman, Deputy AA for Public Affairs, David Fotouhi, Deputy General Counsel, John(JP) Freire, Public Affairs

Nope, I am not a morning person so 7:30 am is not remotely possible for me. I can do 9 am at the earliest.

Sent from my iPhone

> On Mar 29, 2017, at 8:35 AM, Munoz, Charles <munoz.charles@epa.gov> wrote:
>
>
>
> <meeting.ics>

From: Fugh, Justina
Location: 4308 WJC-N
Importance: Normal
Subject: Declined: Ethics Training with Brittany Bolen, DAA Policy, Elizabeth Bowman, Deputy AA for Public Affairs, David Fotouhi, Deputy General Counsel, John(JP) Freire, Public Affairs
Start Date/Time: Fri 3/31/2017 2:30:00 PM
End Date/Time: Fri 3/31/2017 4:00:00 PM

To: Fugh, Justina[Fugh.Justina@epa.gov]
From: Bolen, Brittany
Sent: Tue 6/6/2017 12:38:02 AM
Subject: Re: dinner event

Hi Justina,

I appreciate you responding on your day off. I understand the distinction and while I believe this to be an invite from NERO (not an individual company or lobbyist), in an abundance of caution with my new role I will decline the invitation.

Thanks again,
Brittany

Sent from my iPhone

On Jun 5, 2017, at 5:23 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi,

I'm officially not working today, so we're lucky I decided to look at email at all! The problem here is that your invitation does not appear to come from the NERO organization itself but rather from an unnamed sponsor, who may be a federally registered lobbyist. NERO tells you that someone wants you to sit at their table, which is not the same as an invitation from the NERO itself. We could allow you to attend the event only if the invitation is from NERO and they seat you at their choosing themselves, at an open seat, not at the request of a table sponsor. Because I don't know who requested you, and the sponsors may well be federally registered lobbyists, I can't allow you to participate. The ethics pledge you signed does not allow you to accept gifts of attendance from lobbyists unless you pay for the ticket (at least \$500) out of your own pocket.

If you are keen on attending, I could ask NERO to seat you someplace else, at their option, instead, but they can't seat you at the request of a table sponsor at all.

Justina

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From: Bolen, Brittany
Sent: Monday, June 05, 2017 12:57 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: dinner event

Hi Justina -

I wanted to follow-up on this request since the dinner is scheduled for tomorrow evening.
Have you been able to review the invite?

Thank you,

Brittany

On Jun 4, 2017, at 9:06 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Hi Justina,

Can you please advise on whether I can attend the event below? Please let me know if you have any questions.

Thank you,

Brittany

Begin forwarded message:

From: Executive Director <ExecutiveDirector@nationalenergyresources.com>
Date: June 3, 2017 at 5:29:25 PM EDT
To: "'bolen.brittany@epa.gov'" <bolen.brittany@epa.gov>
Subject: Tuesday, June 6 NERO Annual Awards Dinner - Reply Requested

Brittany ---

Are you able to join us for the **Tuesday, June 6 NERO Annual Awards Dinner** at the Capitol Hill Hyatt Regency? (*invitation below*)

As this is a seated dinner, I am checking on people who have been

requested by a NERO member(s) to sit at their table.

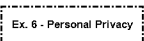
Please do not hesitate to give me a call if you have any questions.

All the best,

Carole

Carole Goeas, Executive Director

National Energy Resources Organization (NERO)

Cell: 

ExecutiveDirector@NationalEnergyResources.com

www.nationalenergyresources.com

<image001.gif>

**Please let us know as soon as possible if you are able to
join us for the Tuesday, June 6th NERO Annual Awards
Dinner!**

<image002.jpg>



NERO ANNUAL AWARDS DINNER

2017 NERO EXECUTIVE COMMITTEE

Joy Ditto, Chairman
Utilities Technology Council
Laura Marshall Schepis, President

Bree Raum, Senior Vice President
American Gas Association
Marnie Funk, V.P. Awards
Shell Oil Company
Khary Cauthen, V.P. Membership
American Petroleum Institute
Jeanne Mitchell, Treasurer
ExxonMobil
Kelly Chapman, Secretary
Dominion
Randall Davis, Counsel
Stultz, Davis & Staffier, PC
Christopher Guith, Chairman Emeritus
US Chamber of Commerce/
Institute for 21st Century Energy
Carole Gooss, Executive Director
Carole Gooss & Associates, LLC

2017 NERO BOARD OF DIRECTORS

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Jackie Carney, Exelon
Renee Eastman, Salt River Project
Allison Graves, Entergy
Allison Hull, Sempra Energy
Kristen Ludecke, PSEG
Kiran Malone, Consumers Energy
Jay Martin, Contura Energy
Chris Parinello, Valero
Mike Sewell, Duke Energy
Kathy Steckelberg, Edison Electric Institute
Majida Turner, Tellurian Investments
Lisa Van Vaeck, Nuclear Energy Institute
Andrew Wheeler, FugroBD
Brendan Williams, PBF Energy
Montee Wynn, NRECA

National Energy Resources Organization

is pleased to present the
2017 Distinguished Service Award
to

U.S. Senator John Barrasso
Chairman, Senate Republican Policy Committee

Tuesday, June 6, 2017

Pre-Dinner Cocktail Reception

5:30–6:45 p.m.

Dinner & Awards Program 7 p.m.

Hyatt Regency on Capitol Hill
400 New Jersey Avenue, NW
Washington, DC

Telephone: 703-548-1764

Email: ExecutiveDirector@NationalEnergyResources.com
#NERO2017

Invitations are not transferable.

Please Note: Counsel has advised that under House and Senate rules this is a "widely-attended event." Under these rules, only NERO may extend invitations to House and Senate Members or staff to attend this event. Individual members of NERO are not permitted to extend invitations. Violations of these rules may result in criminal liability.

To: Bolen, Brittany[bolen.brittany@epa.gov]
From: Fugh, Justina
Sent: Tue 6/6/2017 11:44:21 PM
Subject: RE: dinner event

Hi Brittany,

I appreciate your note and your decision not to attend at all. I read that and thought, whew, I don't have to write back right away. But I did want to underscore what the NERO person wrote to you: "As this is a seated dinner, I am checking on *people who have been requested by a NERO member(s) to sit at their table* (emphasis added)." It's this language that means to me that someone who sponsored a table asked for you, which means that I have to view that invitation as coming from that sponsor.

If I had had more time, I would have contacted NERO to clarify the terms of your invitation, who invited you to sit with them (was it you personally or just an "EPA" or "government" official?), and at which table they proposed to place you. The answers to those questions may have changed my quick analysis.

So I'll hope that, next time, I'll have more ability to drill down. But in this case, I really appreciate your understanding that the better quick answer is not to go.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bolen, Brittany
Sent: Monday, June 05, 2017 8:38 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: dinner event

Hi Justina,

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Thanks again,

Brittany

Sent from my iPhone

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Justina

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From: Bolen, Brittany
Sent: Monday, June 05, 2017 12:57 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
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Thank you,

Brittany

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Thank you,

Brittany

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From: Executive Director <ExecutiveDirector@nationalenergyresources.com>
Date: June 3, 2017 at 5:29:25 PM EDT
To: "'bolen.brittany@epa.gov'" <bolen.brittany@epa.gov>
Subject: Tuesday, June 6 NERO Annual Awards Dinner - Reply Requested

Brittany ---

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As this is a seated dinner, I am checking on people who have been requested by a NERO member(s) to sit at their table.

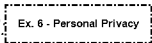
Please do not hesitate to give me a call if you have any questions.

All the best,

Carole

Carole Goeas, Executive Director

National Energy Resources Organization (NERO)

Cell:  Ex. 6 - Personal Privacy

ExecutiveDirector@NationalEnergyResources.com

www.nationalenergyresources.com

<image001.gif>

**Please let us know as soon as possible if you are able to
join us for the Tuesday, June 6th NERO Annual Awards
Dinner!**

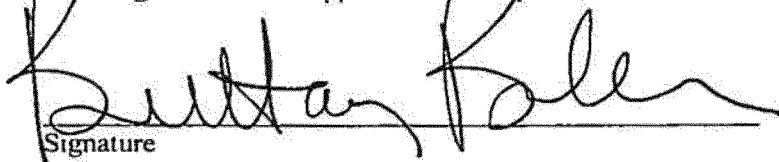
<image002.jpg>



ETHICS PLEDGE

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.


Signature

5/16/2017
Date

Bolen, Brittany, Ann
Print or type your full name (last, first middle)

To: Kime, Robin[Kime.Robin@epa.gov]
From: Fugh, Justina
Sent: Fri 10/13/2017 5:30:16 PM
Subject: RE: ELI Dinner

Hi there,

Go ahead and forward this note to Brittany:

OGC/Ethics understands that you have received or will soon receive an invitation from the Environmental Law Institute (ELI) to be its guest at its annual awards dinner to be held this year on October 18, 2017 at the Omni Shoreham Hotel. I am writing to confirm that, if you decide to attend this event, you may do so consistent with the Standards of Ethical Conduct for Employees of the Executive Branch and, for those who are political appointees, consistent with the Trump Ethics Pledge.

This event qualifies for the Widely-Attended-Gathering gift exception, and as such, OGC/Ethics determines that your attendance at the event is in the Agency's interest because it will further agency programs and operations. Should you attend this event, you will NOT be required to report this as a gift on your financial disclosure report form (if you file one) because the gift is valued at \$200, which is BELOW the reporting threshold.

Also, this approval applies only to invitations from ELI itself. Any invitations from other sources will require separate determinations by either OGC or the appropriate Deputy Ethics Official. This determination covers you only -- the invitation is not transferable.

Acceptance of Free Attendance to a Dinner and Fundraiser (WAG rule)

The gift offered is an evening reception and dinner sponsored by ELI. Because the organization is offering you a complimentary ticket, we must analyze it according to the gift rules. Generally, federal employees are prohibited from accepting gifts given because of their official position or given by a prohibited source (typically, a person either regulated by or seeking to do business with the EPA). In this instance, the gift of free attendance is offered to you because of your official position. In analyzing the situation, we determined that the WAG exception is available because the reception will be widely attended, there will be a diversity of views represented, and there is an opportunity for the exchange of ideas. In order to utilize this gift exception, OGC/Ethics must also

make a written determination that we believe your attendance is in the Agency's interest. We do, in fact, conclude that there is an Agency interest in your attendance if you wish to go.

Limitations Due to the Fundraiser Event

Please note that this event is a fundraiser. Therefore, ELI cannot use or reference your official position or title or any authority associated with your public office in furtherance of the fundraising effort. You may not actively or visibly participate in the promotion, production, or presentation of the event, which means that you cannot sit at a head table nor stand in a receiving line. We have confirmed with ELI that you will be placed by ELI and not seated at the request of any sponsoring entity that has bought a table.

Please let me know if you have any questions.

Regards,

justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Kime, Robin
Sent: Friday, October 13, 2017 11:31 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: ELI Dinner

Hi Justina,

I hope you are well. May Brittany attend the event described below? Thank you.

Robin

Dear Ms. Bolen: This is a non-transferable complimentary invitation to the Environmental Law Institute's 2017 Award Dinner next week honoring Achim Steiner, Administrator for the United Nations Development Programme. The Dinner will be held on **October 18, 2017** at the Omni Shoreham Hotel in Washington, D.C. Registration will begin at 5:00 p.m., with a pre-dinner reception beginning at 5:30, and dinner to follow at 7:15 p.m.

Attendance at ELI's Award Dinner has not been prohibited in the past by ethical guidance from United States government departments; however, please consult as appropriate within your State agency prior to accepting this invitation. Should ethics rules or conflict of interest policies require you to pay, you may send a check (payable to the Environmental Law Institute) to 1730 M Street, NW, Suite 700, Washington, D.C. 20036) in the amount of \$200 to cover the actual value of the discounted government/academic/nonprofit rate ticket.

We hope you'll be able to join us for Washington's premier annual event for environmental professionals from around the country. Please RSVP today if possible to me at demulling@eli.org or [202-939-3808](tel:202-939-3808) regarding your availability to attend the Award Dinner.

Brittany Bolen OA



**New Employee
Ethics Training**

Certified by: Justina Fugh
Certificate Dated: 03/31/2017
Certificate ID Number: JFUH-AKYSDK
Full Organization: OA

According to the EPA Domino Directory.
Contact your local Help Desk if this
organizational information is not correct.



ETHICS PLEDGE

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
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7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.

Signature

_____, 20____
Date

Print or type your full name (last, first, middle)

The White House
Office of the Press Secretary
For Immediate Release
January 28, 2017

Executive Order: ETHICS COMMITMENTS BY EXECUTIVE BRANCH APPOINTEES

EXECUTIVE ORDER

- - - - -

ETHICS COMMITMENTS BY EXECUTIVE BRANCH APPOINTEES

By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2017, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

"As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

"1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.

"2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.

"3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.

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party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.

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Sec. 2. Definitions. As used herein and in the pledge set forth in section 1 of this order:

(a) "Administration" means all terms of office of the incumbent President serving at the time of the appointment of an appointee covered by this order.

(b) "Appointee" means every full-time, non-career Presidential or Vice-Presidential appointee, non-career appointee in the Senior Executive Service (or other SES-type system), and appointee to a position that has been excepted from the competitive service by reason of being of a confidential or policymaking character (Schedule C and other positions excepted under comparable criteria) in an executive agency. It does not include any person appointed as a member of the Senior Foreign Service or solely as a uniformed service commissioned officer.

(c) "Covered executive branch official" shall have the definition set forth in the Lobbying Disclosure Act.

(d) "Directly and substantially related to my former employer or former clients" shall mean matters in which the appointee's former employer or a former client is a party or represents a party.

(e) "Executive agency" and "agency" mean "executive agency" as defined in section 105 of title 5, United States Code, except that the terms shall include the Executive Office of the President, the United States Postal Service, and the Postal Regulatory Commission, and excludes the Government Accountability Office. As used in paragraph 1 of the pledge, "executive agency" means the entire agency in which the appointee is appointed to serve, except that:

(1) with respect to those appointees to whom such designations are applicable under section 207(h) of title 18, United States Code, the term means an agency or bureau designated by the Director of the Office of Government Ethics under section 207(h) as a separate department or agency at the time the appointee ceased to serve in that department or agency; and

(2) an appointee who is detailed from one executive agency to another for more than 60 days in any calendar year shall be deemed to be an officer or employee of both agencies during the period such person is detailed.

(f) "Foreign Agents Registration Act of 1938, as amended" means sections 611 through 621 of title 22, United States Code.

(g) "Foreign government" means the "government of a foreign country," as defined in section 1(e) of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611(e).

(h) "Foreign political party" has the same meaning as that term has in section 1(f) of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611(f).

(i) "Former client" is any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service provided was limited to a speech or similar appearance. It does not include clients of the appointee's former employer to whom the appointee did not personally provide services.

(j) "Former employer" is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that "former employer" does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, or any United States territory or possession.

(k) "Gift"

(1) shall have the definition set forth in section 2635.203(b) of title 5, Code of Federal Regulations;

(2) shall include gifts that are solicited or accepted indirectly as defined at section 2635.203(f) of title 5, Code of Federal Regulations; and

(3) shall exclude those items excluded by sections 2635.204(b), (c), (e)(1) & (3), (j), (k), and (l) of title 5, Code of Federal Regulations.

(l) "Government official" means any employee of the executive branch.

(m) "Lobbied" shall mean to have acted as a registered lobbyist.

(n) "Lobbying activities" has the same meaning as that term has in the Lobbying Disclosure Act, except that the term does not include communicating or appearing with regard to: a judicial proceeding; a criminal or civil law enforcement inquiry, investigation, or proceeding; or any agency process for rulemaking, adjudication, or licensing, as defined in and governed by the Administrative Procedure Act, as amended, 5 U.S.C. 551 *et seq.*

(o) "Lobbying Disclosure Act" means sections 1601 *et seq.* of title 2, United States Code.

(p) "Lobbyist" shall have the definition set forth in the Lobbying Disclosure Act.

(q) "On behalf of another" means on behalf of a person or entity other than the individual signing the pledge or his or her spouse, child, or parent.

(r) "Particular matter" shall have the same meaning as set forth in section 207 of title 28, United States Code, and section 2635.402(b)(3) of title 5, Code of Federal Regulations.

(s) "Particular matter involving specific parties" shall have the same meaning as set forth in section 2641.201(h) of title 5, Code of Federal Regulations, except that it shall also include any meeting or other communication relating to the performance of one's official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.

(t) "Participate" means to participate personally and substantially.

(u) "Pledge" means the ethics pledge set forth in section 1 of this order.

(v) "Post-employment restrictions" shall include the provisions and exceptions in section 207(c) of title 18, United States Code, and the implementing regulations.

(w) "Registered lobbyist or lobbying organization" shall mean a lobbyist or an organization filing a registration pursuant to section 1603(a) of title 2, United States Code, and in the case of an organization filing such a registration, "registered lobbyist" shall include each of the lobbyists identified therein.

(x) Terms that are used herein and in the pledge, and also used in section 207 of title 18, United States Code, shall be given the same meaning as they have in section 207 and any implementing regulations issued or to be issued by the Office of Government Ethics, except to the extent those terms are otherwise defined in this order.

(y) All references to provisions of law and regulations shall refer to such provisions as in effect on January 20, 2017.

Sec. 3. Waiver. (a) The President or his designee may grant to any person a waiver of any restrictions contained in the pledge signed by such person.

(b) A waiver shall take effect when the certification is signed by the President or his designee.

(c) A copy of the waiver certification shall be furnished to the person covered by the waiver and provided to the head of the agency in which that person is or was appointed to serve.

Sec. 4. Administration. (a) The head of every executive agency shall establish for that agency such rules or procedures (conforming as nearly as practicable to the agency's general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate:

(1) to ensure that every appointee in the agency signs the pledge upon assuming the appointed office or otherwise becoming an appointee; and

(2) to ensure compliance with this order within the agency.

(b) With respect to the Executive Office of the President, the duties set forth in section 4(a) shall be the responsibility of the Counsel to the President or such other official or officials to whom the President delegates those duties.

(c) The Director of the Office of Government Ethics shall:

(1) ensure that the pledge and a copy of this Executive Order are made available for use by agencies in fulfilling their duties under section 4(a);

(2) in consultation with the Attorney General or Counsel to the President, when appropriate, assist designated agency ethics officers in providing advice to current or former appointees regarding the application of the pledge; and

(3) adopt such rules or procedures (conforming as nearly as practicable to its generally applicable rules and procedures) as are necessary or appropriate:

(i) to carry out the foregoing responsibilities;

(ii) to apply the lobbyist gift ban set forth in paragraph 5 of the pledge to all executive branch employees;

(iii) to authorize limited exceptions to the lobbyist gift ban for circumstances that do not implicate the purposes of the ban;

(iv) to make clear that no person shall have violated the lobbyist gift ban if the person properly disposes of a gift as provided by section 2635.206 of title 5, Code of Federal Regulations;

(v) to ensure that existing rules and procedures for Government employees engaged in negotiations for future employment with private businesses that are affected by their official actions do not affect the integrity of the Government's programs and operations; and

(vi) to ensure, in consultation with the Director of the Office of Personnel Management, that the requirement set forth in paragraph 8 of the pledge is honored by every employee of the executive branch;

(d) An appointee who has signed the pledge is not required to sign the pledge again upon appointment or detail to a different office, except that a person who has ceased to be an appointee, due to termination of employment in the executive branch or otherwise, shall sign the pledge prior to thereafter assuming office as an appointee.

(e) All pledges signed by appointees, and all waiver certifications with respect thereto, shall be filed with the head of the appointee's agency for permanent retention in the appointee's official personnel folder or equivalent folder.

Sec. 5. Enforcement. (a) The contractual, fiduciary, and ethical commitments in the pledge provided for herein are solely enforceable by the United States by any legally available means, including any or all of the following: debarment proceedings within any affected executive agency or civil judicial proceedings for declaratory, injunctive, or monetary relief.

(b) Any former appointee who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge may be barred from engaging in lobbying activities with respect to that agency for up to 5 years in addition to the 5-year time period covered by the pledge. The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement this subsection, which shall include (but not be limited to) providing for factfinding and investigation of possible violations of this order and for referrals to the Attorney General for his or her consideration pursuant to subsection (c).

(c) The Attorney General or his or her designee is authorized:

(1) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate Federal investigative authority to conduct such investigations as may be appropriate; and

(2) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action on behalf of the United States against the former officer or employee in any United States District Court with jurisdiction to consider the matter.

(d) In such civil action, the Attorney General or his or her designee is authorized to request any and all relief authorized by law, including but not limited to:

(1) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former officer or employee in breach of the commitments in the pledge he or she signed; and

(2) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former officer or employee arising out of any breach or attempted breach of the pledge signed by the former officer or employee.

Sec. 6. General Provisions. (a) This order supersedes Executive Order 13490 of January 21, 2009 (Ethics Commitments by Executive Branch Personnel), and therefore Executive Order 13490 is hereby revoked. No other prior Executive Orders are repealed by this order. To the extent that this order is inconsistent with any provision of any prior Executive Order, this order shall control.

(b) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

(c) The pledge and this order are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party (other than by the United States) against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The definitions set forth in this order are solely applicable to the terms of this order, and are not otherwise intended to impair or affect existing law.

(e) Nothing in this order shall be construed to impair or otherwise affect:

(1) the authority granted by law to an executive department, agency, or the head thereof; or

(2) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(f) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

DONALD J. TRUMP

From: Munoz, Charles
Location: 4308 WJC-N
Importance: Normal
Subject: Ethics Training with Troy Lyons
Start Date/Time: Wed 4/12/2017 2:00:00 PM
End Date/Time: Wed 4/12/2017 3:00:00 PM

From: Munoz, Charles
Location: 4308 WJC-N
Importance: Normal
Subject: Ethics Training with Amy Graham, Deputy Associate Administrator for Public Engagement; Troy Lyons, Associate Administrator (OCIR) and Kenneth Wagner
Start Date/Time: Wed 4/5/2017 2:00:00 PM
End Date/Time: Wed 4/5/2017 3:00:00 PM

From: Willis, Sharnett
Location: 4308 WJC-N
Importance: Normal
Subject: Ethics Training with Troy Lyons
Start Date/Time: Wed 4/12/2017 2:00:00 PM
End Date/Time: Wed 4/12/2017 3:00:00 PM

To: Lyons, Troy[lyons.troy@epa.gov]
From: Fugh, Justina
Sent: Thur 5/18/2017 1:20:53 AM
Subject: RE: reminder about your new entrant report

Yep. Your report was originally due on 5/3, but we granted you an extension of 45 days. We can grant you another 45 day extension now if you want, which would make your report due August 3. Sometimes I think it's best to keep the earlier deadline in the hopes that filers will feel impelled to just get it done.

From: Lyons, Troy
Sent: Wednesday, May 17, 2017 9:12 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: reminder about your new entrant report

Thank you, Justina. Does this include the 45 day extension I requested last week ?

Sent from my iPhone

On May 17, 2017, at 9:07 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Dear Troy,

I am writing to remind you about your obligation to file a new entrant public financial disclosure report by 6/19/17. There is a 30 day grace period following the end of your deadline, but if EPA Ethics does not receive your final report by midnight of July 19, 2017, then you will be subject to a \$200 late filing fee. You will of course still have to file the report too!

If you need more time, then just send me an email. Although we already gave you an extension, we are able to give you one more extension of an additional 45 days, but you have to provide a reason for why you need more time (e.g., need to gather materials, travel, workload, etc.). If you have any questions regarding this requirement or need assistance, please contact Dan Fort at fort.daniel@epa.gov or 202 564 2200 or me at fugh.justina@epa.gov or 202 564 1786.

Thanks,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Lyons, Troy[lyons.troy@epa.gov]
From: Fugh, Justina
Sent: Wed 5/3/2017 2:57:18 PM
Subject: RE: Financial Disclosure

We granted you an extension so your report is now due 6/19/17. But can you remind me when you started at EPA? Was it Monday, April 3?

-----Original Message-----

From: Lyons, Troy
Sent: Tuesday, May 02, 2017 9:45 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Financial Disclosure

I would like to request an extension so I can work w my accountant to collect all relevant materials.

Sent from my iPhone

To: Lyons, Troy[lyons.troy@epa.gov]
From: Fugh, Justina
Sent: Thur 4/27/2017 9:31:03 PM
Subject: RE: 5/2 Ducks Unlimited Capitol Hill Banquet

Hi there,

You signed the ethics pledge, so we have to consider the fact that the sponsor that invited you, Ducks Unlimited is a federally registered lobbyist. But it is also a 501(c)(3), so the usual prohibition about gifts from federally registered lobbyists doesn't apply. So we can apply the usual widely attended gathering analysis to this situation. I determine that this event does in fact qualify as a widely attended gathering pursuant to 5 CFR 2635.204(g). There will be a diversity of interests present at the event, more than 25 people will be in attendance, and I determine that there is an agency interest in your attendance. You may attend this event and will not be required to report the gift on your financial disclosure report (it will be below the reporting threshold).

BUT (and this is super important), you need to let Ducks Unlimited know they should place you at their election, not in answer to a request of any particular entity (such as Shell, which is a federally registered lobbyist). You can say that you will go, but that DU should place you wherever DU wants, not at the request of someone else.

Justina

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North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772

From: Lyons, Troy

Sent: Thursday, April 27, 2017 12:39 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: 5/2 Ducks Unlimited Capitol Hill Banquet

Not sure if I can even attend but want to get your guidance.

From: Josh Riding [<mailto:jriding@ducks.org>]
Sent: Thursday, April 27, 2017 11:43 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Kenzie Hannon <khannon@ducks.org>
Subject: 5/2 Ducks Unlimited Capitol Hill Banquet

Hey Troy,

I would like to invite you on behalf of Ducks Unlimited to attend our Capitol Hill Dinner and Auction on May 2nd. In addition, Shell would like to invite you to sit at their table during the event. The invitation with the details are below.

Let me know if you need anything else,


Josh Riding

Governmental Affairs Intern, Ducks Unlimited

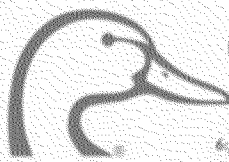
444 North Capitol Street NW, Ste. 745

Washington, D.C. 20001

PLEASE JOIN
DUCKS UNLIMITED
5.2.17



DUCKS UNLIMITED'S
Capitol Hill Dinner & Auction



PLEASE HOLD THE EVENING OF
TUESDAY MAY 2, 2017
HYATT REGENCY ON CAPITOL HILL
400 NEW JERSEY AVENUE, NW
WASHINGTON, DC 20001

5:30 PM- Cocktails & Silent Auction
6:30 PM- Congressional Member Photo
7:00 PM- Dinner & Live Auction Begin

Please RSVP to Kenzie Hannon at 202-347-1530 or khannon@ducks.org
All members of Congress and Administration officials are invited as guests of this widely attended event.
*This invitation is non-transferable

To: Munoz, Charles[munoz.charles@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]
From: Fugh, Justina
Sent: Wed 4/12/2017 6:02:34 PM
Subject: pledge implications for former lobbyist

Hi Charles and Troy,

Under Paragraph 7 of the President's ethics pledge, Troy agrees not to participate in any particular matter in which he lobbied during the previous two year period before appointment or in the "specific issue area" in which the particular matter falls. The Office of Government Ethics recently issued guidance to help explain this provision. See [LA-17-03](#), Guidance on Executive Order 13770 (March 20, 2017).

We are to interpret the pledge term "specific issue area" as a "particular matter of general applicability," which is commonly used in federal ethics. It means any matter that involves "deliberation, decision, or action that is focused upon the interests of a specific person or a discrete and identifiable class of persons." See [5 CFR 2640.103\(a\)\(1\)](#). A particular matter of general applicability includes rulemaking. The OGE guidance includes the following example:

An appointee was a registered lobbyist during the two-year period before she entered government. In that capacity, she lobbied her agency against a proposed regulation focused on a specific industry. Her lobbying was limited to a specific section of the regulation affecting her client. Her recusal obligation as an appointee is not limited to the section of the regulation on which she lobbied, nor is it limited to the application of the regulation to her former client. Instead, she must recuse for two years from development and implementation of the entire regulation, subsequent interpretation of the regulation, and application of the regulation in individual cases.

So, what this means for Troy is that he will need to recuse from participation in the development and implementation of any regulation or other particular matter of general applicability that he lobbied on during the past 2 years. I don't think

Ex. 5 - Deliberative Process

For two years (until April 2019), he will not be able to participate at all in nor direct subordinates who work on any regulations or rulemaking associated with methane, offshore air emissions, renewable fuels standard, the Tier 3 emissions standard, or the ozone NAAQS. There may be other regulations that arise, but these are the ones that Troy identified quickly with me earlier today.

CHARLES -

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina
Location: 4308 WJC-N
Importance: Normal
Subject: Accepted: Ethics Training with Troy Lyons
Start Date/Time: Wed 4/12/2017 2:00:00 PM
End Date/Time: Wed 4/12/2017 3:00:00 PM

From: Fugh, Justina
Location: 4308 WJC-N
Importance: Normal
Subject: Accepted: Ethics Training with Amy Graham, Deputy Associate Administrator for Public Engagement; Troy Lyons, Associate Administrator (OCIR) and Kenneth Wagner
Start Date/Time: Wed 4/5/2017 2:00:00 PM
End Date/Time: Wed 4/5/2017 3:00:00 PM

To: Fugh, Justina[Fugh.Justina@epa.gov]
From: Lyons, Troy
Sent: Tue 9/26/2017 3:42:22 PM
Subject: RE: Environmental Law Institute Award Dinner--10/18/2017

Thank you, Justina.

From: Fugh, Justina
Sent: Tuesday, September 26, 2017 11:37 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: Environmental Law Institute Award Dinner--10/18/2017

Hi Troy. Here's the advice:

OGC/Ethics understands that you have received or will soon receive an invitation from the Environmental Law Institute (ELI) to be its guest at its annual awards dinner to be held this year on October 18, 2017 at the Omni Shoreham Hotel. I am writing to confirm that, if you decide to attend this event, you may do so consistent with the Standards of Ethical Conduct for Employees of the Executive Branch and, for those who are political appointees, consistent with the Trump Ethics Pledge.

This event qualifies for the Widely-Attended-Gathering gift exception, and as such, OGC/Ethics determines that your attendance at the event is in the Agency's interest because it will further agency programs and operations. Should you attend this event, you will NOT be required to report this as a gift on your financial disclosure report form (if you file one) because the gift is valued at \$200, which is BELOW the reporting threshold.

Please note: this approval applies only to invitations from ELI itself. Any invitations from other sources will require separate determinations by either OGC or the appropriate Deputy Ethics Official. This determination covers you only -- the invitation is not transferable.

Acceptance of Free Attendance to a Dinner and Fundraiser (WAG rule)

The gift offered is an evening reception and dinner sponsored by ELI. Because the organization is offering you a complimentary ticket, we must analyze it according to the gift rules. Generally, federal employees are prohibited from accepting gifts given because of their official position or given by a prohibited source (typically, a person either regulated by or seeking to do business with the EPA). In this instance, the gift of free attendance is offered to you because of your official position. In analyzing the situation, we determined that the WAG exception is available because the reception will be widely attended, there will be a diversity of views represented, and there is an opportunity for the exchange of ideas. In order to utilize this gift exception, OGC/Ethics must also make a written determination that we believe your attendance is in the Agency's interest. We do, in fact, conclude that there is an Agency interest in your attendance if you wish to go.

Limitations Due to the Fundraiser Event

Please note that this event is a fundraiser. Therefore, ELI cannot use or reference your official position or title or any authority associated with your public office in furtherance of the fundraising effort. You may not actively or visibly participate in the promotion, production, or presentation of the event, which means that you cannot sit at a head table nor stand in a receiving line. We have confirmed with ELI that you will be placed by ELI and not seated at the request of any sponsoring entity that has bought a table.

Please let me know if you have any questions.

Regards,

justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Lyons, Troy

Sent: Tuesday, September 26, 2017 10:41 AM

To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Environmental Law Institute Award Dinner--10/18/2017

I vaguely recall your guidance as allowing this. Please advise if I am able to attend.

From: Jacqueline Lopez [<mailto:lopez@eli.org>]
Sent: Tuesday, September 26, 2017 10:13 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Melodie DeMulling <demulling@eli.org>
Subject: Environmental Law Institute Award Dinner--10/18/2017

Dear Mr. Lyons,

We would like to follow up with you, and resend this non-transferable complimentary invitation to the Environmental Law Institute's 2017 Award Dinner honoring Achim Steiner, Administrator for the United Nations Development Programme. The Dinner will be held on **October 18, 2017** at the Omni Shoreham Hotel in Washington, D.C. Registration will begin at 5:00 p.m., with a pre-dinner reception beginning at 5:30, and dinner to follow at 7:15 p.m.

Attendance at ELI's Award Dinner has not been prohibited in the past by ethical guidance from United States government departments; however, please consult as appropriate within your State agency prior to accepting this invitation. Should ethics rules or conflict of interest policies require you to pay, you may send a check (payable to the Environmental Law Institute) to 1730 M Street, NW, Suite 700, Washington, D.C. 20036) in the amount of \$200 to cover the actual value of the discounted government/academic/nonprofit rate ticket.

We hope you'll be able to join us for Washington's premier annual event for environmental professionals from around the country. Please RSVP **as soon as possible** to me or with our Development Director, Melodie DeMulling, at demulling@eli.org or 202-939-3808 regarding your availability to attend the Award Dinner.

Sincerely,

Jacqueline Lopez

Development Intern

Environmental Law Institute

1730 M St., NW, Suite 700

Washington, DC 20036

lopez@eli.org

To: Fugh, Justina[Fugh.Justina@epa.gov]
From: Lyons, Troy
Sent: Tue 7/25/2017 2:27:58 PM
Subject: FW: Transition Soirée for Geoff Morrell & Mary Streett

Justina—As you know, I previously worked at BP. Geoff Morell and Mary Streett are former colleagues and I remain friends with both. Am I able to attend their going away party later this week?

From: Troy Lyons [mailto:troyimageelyons@gmail.com]
Sent: Tuesday, July 25, 2017 10:25 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: Fwd: Transition Soirée for Geoff Morrell & Mary Streett

----- Forwarded message -----

From: **Ferraris, Anna (Kelly OCG)** <Anna.Ferraris@bp.com>
Date: Tue, Jul 25, 2017 at 10:19 AM
Subject: Transition Soirée for Geoff Morrell & Mary Streett
To: "Ferraris, Anna (Kelly OCG)" <Anna.Ferraris@bp.com>

Transition Soirée

Geoff Morrell

Head of Global Communications & External Affairs

and

Mary Streett

Head of U.S. Communications & External Affairs

Invite You

Help us congratulate Mary Streett as she takes over as
Head of U.S. Communications & External Affairs and
Geoff Morrell as he leaves for London to become
Head of Global Communications and External Affairs.

Thursday, July 27

5:30 p.m. - 7:30 p.m.

1101 New York Avenue NW, Suite 700

To: Lyons, Troy[lyons.troy@epa.gov]
From: Fugh, Justina
Sent: Tue 8/15/2017 11:17:25 PM
Subject: RE: Financial Disclosure

Hi Troy

I had to send the report back to you for the reasons below, plus one big one I forgot to mention in the general comments:

Where I could, I made some educated guesses on your

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

But you also need to

Ex. 6 - Personal Privacy

We

need to know the underlying assets, please.

Ex. 6 - Personal Privacy

so I'm hoping that it

won't be too burdensome to get that info.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772

From: Lyons, Troy
Sent: Tuesday, August 15, 2017 8:05 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Financial Disclosure

I think I have submitted everything correctly this time. Please let me know if I need to make any

changes.

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

202-309-2490 (cell)

To: Lyons, Troy[lyons.troy@epa.gov]
From: Fugh, Justina
Sent: Wed 6/28/2017 1:28:15 PM
Subject: RE: Lyons Recusal

Hi Troy,

Under the terms of the Trump pledge, whom you lobbied is immaterial; rather, the concern is only with the subject of the lobbying contacts. This language is different from the Obama pledge, which included a provision that a formerly registered lobbyist could not work for the same agency that he had lobbied previously. Because that provision is missing from the Trump pledge, we must apply the language of paragraph 7 to your work here at EPA, irrespective of whether you lobbied EPA or not.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772

From: Lyons, Troy
Sent: Tuesday, June 27, 2017 10:19 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Lyons Recusal

Thank you, Justina! On the question of my activities--I never lobbied the EPA or any agency, just Congress. Does that impact my recusals?

Sent from my iPhone

On Jun 27, 2017, at 10:01 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hey Troy –

We are learning more about the implications of paragraph 7 of the Trump ethics

pledge, which has ramifications quite different from its predecessor language in the Obama ethics pledge.

Since you were registered as a lobbyist, the pledge says that you cannot participate in *any particular matter* on which you lobbied during the two years before joining EPA or in the same *specific issue area* in which that particular matter falls. That term “specific issue area” did appear in the last pledge, and we understood it to mean (and it continues to mean) a “particular matter of general applicability.” Well, ethics officials do understand what a particular matter of general applicability means, and it includes rulemaking.

The Office of Government Ethics recently issued clarifications that included the following example:

An appointee was a registered lobbyist during the two-year period before she entered government. In that capacity, she lobbied her agency against a proposed regulation focused on a specific industry. Her lobbying was limited to a specific section of the regulation affecting her client. Her recusal obligation as an appointee is not limited to the section of the regulation on which she lobbied, nor is it limited to the application of the regulation to her former client. Instead, she must recuse for two years from development and implementation of the entire regulation, subsequent interpretation of the regulation, and application of the regulation in individual cases.

What we are doing for you (and the other registered lobbyists who have joined EPA) is to examine your LD forms so that we can formulate a comprehensive recusal statement for you. We hope to get a draft done for you by early next week.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Lyons, Troy
Sent: Tuesday, June 27, 2017 4:48 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Lyons Recusal

Justina, I wanted to follow up on this. Many thanks

From: Lyons, Troy
Sent: Tuesday, May 16, 2017 2:13 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Lyons Recusal
Importance: High

Justina,

I wanted to circle back with you on issues I am refrained from participating in at EPA. This may need a larger, in-person discussion; however, I want to follow up on our previous conversation. What do I need to do from a recusal standpoint? Does something need to be drafted? As I mentioned, I previously lobbied Capitol Hill and not the EPA or other federal agencies—what is the distinction in my future restrictions?

I want to ensure I am fully compliant with all/any recusals to which I may be subjected.

As always, I appreciate your guidance.

Many thanks,

Troy

Troy M. Lyons

Associate Administrator

Congressional & Intergovernmental Relations

U.S Environmental Protection Agency

202-309-2490

To: Fugh, Justina[Fugh.Justina@epa.gov]
Cc: Lyons, Troy[lyons.troy@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]
From: Bowman, Liz
Sent: Thur 8/3/2017 9:43:03 PM
Subject: RE: your financial disclosure report

Thanks, can I see a copy of what you will be sending to them?

From: Fugh, Justina
Sent: Thursday, August 3, 2017 5:41 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>
Subject: your financial disclosure report

Hi there,

You may recall that I had mentioned to you that, as a public filer, your financial disclosure report can be made available to the public upon request. Well, I'm writing to confirm that your report has been requested and will be released tomorrow. OGC/Ethics typically waits to fill those requests until after we have received and certified the report, and I will finally get around to releasing a batch of reports tomorrow. Here is the person who will receive your report:

Joe Gaeta, Senator Sheldon Whitehouse
Kevin Bogardus, E&E News
Nick Surgey, Center for Media and Democracy

Because the release will go to a congressional staffer as well as the media, I'm alerting OCIR (but OCIR won't actually see your form).

Best,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



ETHICS PLEDGE

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.

Signature

Date

04/12/2017

Troy Magee Lyons
Print or type your full name (last, first, middle)

To: Fugh, Justina[Fugh.Justina@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]
From: Griffo, Shannon
Sent: Mon 10/16/2017 12:18:35 PM
Subject: RE: your recusal

Troy and I spoke a while back about his previous lobbying, so the only incomplete section of the draft recusal is the financial conflicts of interest. Once the financial disclosure report is finalized, I'll be able to quickly turn around the draft recusal for review.

Thanks,

Shannon

Shannon Griffo

Ethics Attorney

Office of General Counsel, Ethics

U.S. Environmental Protection Agency

(202) 564-7061

Griffo.Shannon@epa.gov

From: Fugh, Justina
Sent: Saturday, October 14, 2017 9:29 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: your recusal

Hi Troy,

I haven't talked directly to Shannon about your recusal statement lately, but there are two things that I believe we still need from you: (1) discussion with Shannon about which "specific issues areas" you lobbied on, and (2) finalizing your financial disclosure report. I had asked you a bunch of questions back in August, but the form is still pending with you. I just looked, and see that you responded to me in the comments back in mid-August, but you never actually submitted

the report back to me so I don't know whether you're done or not. I can't make any changes to your report until it's been submitted to me. To do that, you have to go into INTEGRITY, go to "submit report," and then wait for that page to load. Then scroll down to the attestation paragraph and then hit submit. I can't help you complete your form until then.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Begin forwarded message:

From: "Lyons, Troy" <lyons.troy@epa.gov>
Date: October 13, 2017 at 4:45:12 PM EDT
To: "Griffo, Shannon" <Griffo.Shannon@epa.gov>
Subject: RE: follow up: recusals

Wanted to follow up to see if you all have completed my refusal. Many thanks

From: Griffo, Shannon
Sent: Tuesday, July 25, 2017 12:01 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: follow up: recusals

Troy,

OGC/Ethics is currently working on your draft refusal statement. But before we send you a draft to review, I wanted to talk to you more about what you specifically lobbied on during the past two years. At your convenience, please give me a call at 564-7061.

Thanks,

Shannon

Shannon Griffo

Ethics Attorney

Office of General Counsel, Ethics

U.S. Environmental Protection Agency

(202) 564-7061

Griffo.Shannon@epa.gov

From: Fugh, Justina

Sent: Tuesday, July 25, 2017 11:42 AM

To: Griffo, Shannon <Griffo.Shannon@epa.gov>

Subject: Fwd: follow up: recusals

Begin forwarded message:

From: "Lyons, Troy" <lyons.troy@epa.gov>

Date: July 25, 2017 at 11:40:32 AM EDT

To: "Fugh, Justina" <Fugh.Justina@epa.gov>

Subject: follow up: recusals

Justina,

I wanted to follow up to see if you have determine which issues—if any—I will be recused.

Many thanks.

Troy

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

202-309-2490 (cell)